

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Case No. 2:22-mj-642

Brian Edward Wampler

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 06/07/2022 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 922(g)(1)	Possession of a firearm or Ammunition by a Convicted Felon
18 U.S.C. 922(j)	Theft of Firearms

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Matthew Voytek
 Complainant's signature

Matthew Voytek, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 9/26/2022City and state: Columbus, Ohio

Chelsey M. Vascara

Chelsey M. Vascara
 United States Magistrate Judge

Judge's signature

Printed name and title



ATTACHMENT A

I, Matthew Voytek, being duly sworn, depose and state that:

1. I have been a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since January of 2022. I am a graduate of the ATF National Academy Special Agent Basic Training Program and the Federal Law Enforcement Training Center, Criminal Investigator Training Program. I worked as an Ohio State Trooper for the Ohio State Highway Patrol from February 2014 to June 2021. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws pertaining to firearms violations. As a Special Agent, I am also authorized to carry firearms, execute warrants, make arrests for offenses against the United States, and perform other such duties as authorized by law.
2. This affidavit is made in support of a criminal complaint against Brian Edward WAMPLER, DOB 10/30/1977, for a violation of Title 18 U.S.C. Section 922(g)(1) Possession of a firearm or Ammunition by a Convicted Felon and 922(j)– Theft of Firearms. The statements in this affidavit are based upon my training and experience, consultation with other experienced investigators and agents, review of related police reports, and other sources of information relative to firearms investigations. This affidavit is intended to set forth probable cause in support of the criminal complaint and does not purport to set forth all of my knowledge regarding this investigation.
3. On June 21, 2022, The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Columbus Field Office was contacted by the corporate security investigator for Yellow Freight. The corporate security investigator spoke with Special Agent (SA) Matthew Voytek telephonically about the theft of two Sig Sauer M400 rifles that occurred on June 7, 2022, at the loading docks of Yellow Freight in Columbus, Ohio by an employee of Yellow Freight.
4. On June 22, 2022, SA Voytek met with the corporate security investigator at his office at Yellow Freight in Columbus, Ohio. The corporate security investigator explained to SA Voytek that an employee by the name Brian E. WAMPLER (M/W, DOB: 10/30/1977) was caught on company video surveillance stealing two Sig Sauer M400 rifles from a pallet of fifty-one Sig Sauer rifles, that were at Yellow Freight loading docks which were in transit from Sig Sauer manufacturing in Newington, New Hampshire to Vance Outdoors in Obetz, Ohio, a federal firearms licensee.
5. SA Voytek reviewed the video surveillance and observed WAMPLER conceal what is the suspected Sig Sauer M400 rifles, one at a time, under his jacket and in his pants and can be seen walking out of the business to his personal vehicle twice. The gait and stance while he walks out of the business shows him leaning to the right and walking stiff legged. Coming back into the building he is walking with a standard gait, straight up and down.

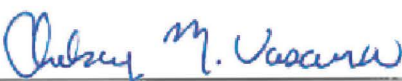
6. On July 13, 2022, at approximately 7:00 AM, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent (SA) Matthew Voytek and Task Force Officer (TFO) Joshua Wright conducted an interview of WAMPLER at his place of employment of YRC Freight located at 5400 Fisher Road, Columbus, Ohio 43228. SA Voytek asked WAMPLER if he would be willing to talk about the incident. Wampler replied that before he gave any information that he would like to talk to an attorney first. The interview was immediately stopped once WAMPLER requested legal counsel.
7. On July 13, 2022, at approximately 12:00 PM, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent (SA) Matthew Voytek and Task Force Officer (TFO) Joshua Wright conducted an interview of WAMPLER telephonically. This interview was conducted due to WAMPLER contacting SA Voytek and leaving a voice message via telephone and requesting for SA Voytek to contact him back.
8. SA Voytek and TFO Wright made contact with WAMPLER at approximately 12:00pm via telephone. WAMPLER explained that he was reaching out to the United States Magistrate Judge to seek for an attorney to be appointed to him. WAMPLER emphasized that he was not intending to avoid SA Voytek and TFO Wright and that as soon as he retained legal counsel, he would like to have a meeting and talk.
9. TFO Wright write explained the value in recovering the firearms and making sure they are located and back in proper custody. WAMPLER agreed but said he wanted to "cover his ass" and make sure he didn't "sink himself any further" by talking with SA Voytek and TFO Wright before talking with an attorney.
10. TFO Wright then said, "I don't want to talk too much about it, since you are waiting to retain counsel but what I will tell you, if you have the ability to find out where those guns are, I highly recommend that, and we will leave it at that." WAMPLER acknowledged and said, "fair enough." Wampler further explained that he researched the charges and that he could be facing twenty (20) years in prison. TFO Wright explained that there are obvious serious charges but that SA Voytek and TFO Wright were going to respect the fact that he is wanting legal counsel and that SA Voytek and TFO Wright would look forward to hearing from WAMPLER and WAMPLER's counsel in the near future. At approximately 12:12 pm the telephone conversation between WAMPLER and SA Voytek and TFO Wright ended, and the audio recording was turned off.
11. An ATF agent with experience in determining the interstate nexus of firearms has concluded that the two Sig Sauer M400 rifles, serial number 21P001321 and 21P001171 were not made in the state of Ohio and therefore has traveled across state lines, creating an interstate-commerce nexus.
12. WAMPLER has a Felony of the Fourth Degree on or about March 20, 2022. WAMPLER

was subsequently found guilty of Receiving Stolen Property in the State of Ohio, in Franklin County Court of Common Pleas, Case No. 96 CR 005119.

13. Because WAMPLER was convicted of Receiving Stolen Property a Felony of the Fourth Degree and imprisoned for more than a one year, WAMPLER was aware that he was not permitted to possess a firearm.
14. Your affiant states that the offenses occurred in Franklin County, Ohio, which is in the Southern District of Ohio.
15. Based upon the aforementioned information and events, and your affiant's training and experience in dealing with federal firearms violations, your affiant believes that probable cause exists to believe that on or around June 7, 2022, Brian Edward WAMPLER, knowing he was convicted of Receiving Stolen Property a Felony of the Fourth Degree, did knowingly possess and steal firearms which was not manufactured in the State of Ohio and therefore travelled in and/or affected interstate commerce, in violation of Title 18, United States Code Section 922(g)(1) and Title 18, United States Code Section 922(j) Theft of Firearms.


Matthew Voytek, ATF Special Agent

Sworn to before me and signed in my presence.


Honorable Chelsey M. Vascura
United States Magistrate Judge

9/26/2022
Date